1951. K File No. Motor 11/51 (N)

Legal Deptt
B BRANCH

Subject:— Notifications under the Motor Vehicles Act, 1939

P-3
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File No. Motor 11/51 (N)

Sec. 101 c.

336-R

Legal Department.

The draft notification under section 37(2) of the Motor Vehicles Act, 1939, is in order.

2. The H.D. accepts the proposal of the Regional Transport Officers to relax rule 158(3) of the Bombay Motor Vehicles Rules, 1940, so as to increase the total of the registered axle weights of a stagecarriage having double decks to 11 tons and 18 cwts. Butm the H.D. proposes to achieve the object by issuing an executive order. This is not a proper procedure. The proposal to involves the amendment of rule 158(3) of the Bombay Motor Vehicles Rules, 1950 and must be implementedmby amending the Rules in the manner specified in section 133 of the Act.

Id/-
dt/- 20/2/

Secretary to Government

U.R. to H.D. No. 3244 , dated the 21st February 1951.

V.V.K. 10/7/56/ 5C.

Legal Department.

A revised draft notification is sent herewith . It is presumed the District Magistrates have been duly authorised by the State Government to exercise the powers under section 74 of the motor Vehicles Act,1939.

Id/-
dt/- 20/2/

Secretary to Government.

U.R. to H.D. No. 3210 dated the 21st February 1958 .

V.V .K. 10/7/56/

5C.

OFFICE OF THE R.L.A.

The proposal made by the State Transport Officer in his letter of 4th May 1951 at page 1 ante to amend sections 27 and 31 of the Motor Vehicles Act, 1939 , in the manner- suggested by him seems to be repugnant to the shceme of the Act. According to the scheme of the Act, in which the provisions relating to permits for transport vehicles follow the provisions regarding registration of motor vehicles, it would appear that a transport vehicles has first to be registered under Chapter III before a permit can be granted in respect thereof under Chapter. IV .This shceme is is confirmed by the Rules made under the Motor Vehicles Act. It will be clear from rule 55 of the Bombay Motor Vehicles Rules 1940, that a permit inrespect of a vehicle is granted after production of a certificate of registration. The intention of the proposed amendments at page 1 ante seems to be to prevent vehicles, particularly transport vehicles , from plying on roads in contravention of section 42 of the Act. But driving a motor vehicles in contravention of the provisions of section 42 is made punishable by section 123 of the Act.

Id/- J.R.D.
dt/- 25/9/

Remembrancer of Legal Affairs

V.V.K. 10/7/56/ 5C. U.R.to H.D. No. 15381/ dt/- 26/9/1951.